

**To: Laura and John Arnold Foundation**

**From: Amy Weirich, Shelby County, TN District Attorney**

**Re: Letter of Interest: Building Rigorous Evidence about What Works in Prosecution**

The Shelby County District Attorney's Office (which includes the city of Memphis) is expressing its interest in submitting a proposal to the Arnold Foundation related to: *Innovative Proposals Designed to Build Policy-Important Evidence About "What Works" to Improve Prosecutorial Outcomes*. In support of this letter of interest, please consider the following:

**IMPORTANCE**

Criminal activity that continues even after successful prosecution, crime rates which fail to decline, concerns about fairness in arrests and prosecutorial decisions, and continuing difficulties developing trust within communities to foster participation in the justice system all lead to an inescapable conclusion that a different prosecutorial approach is needed. Shelby County, TN is embarking on two separate but married initiatives to bring about the needed change in what Dr. Catherine Coles, Research Associate in the Kennedy School of Government at Harvard University, referred to as the "'business' of prosecution."<sup>1</sup> These include:

1. A pilot project implementing community prosecution in two precincts in Memphis, TN; and
2. A Neighborhood Safety Initiative (NSI) based on strengthening and building partnerships among neighborhood groups, law enforcement, and government agencies.

Both are part of an overall community engagement focus within a new five-year

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<sup>1</sup> *Community Prosecution, Problem Solving, and Public Accountability: The Evolving Strategy of the American Prosecutor*, (2000, p.2).

crime reduction and prevention strategic, evidence-based plan known as Operation: Safe Community-3 (OSC-3) set to launch January 2017. Strenuous evaluation of initiatives is a key component of the OSC-3 plan. The plan is dependent upon obtaining appropriate funding to support implementation of this evaluation.

### **Community Prosecution Initiative**

The Shelby County community prosecution pilot program will place a team of prosecutors physically working at a specific Memphis Police Department (MPD) precinct, getting to know the neighborhoods making up the precinct, and handling all cases emanating from that precinct (approximately 10,000 annually). A separate precinct will also have prosecutors exclusively handling its cases, but the prosecutors will not physically work in the precinct office. “[B]y immersing themselves in a particular neighborhood—its people, problems, and resources—[prosecutors] are better able to help law enforcement solve serious crimes, find cooperative witnesses, and create lasting solutions to difficult problems like gangs and high crime ‘hot spots.’”<sup>2</sup> This method can help improve the quality of cases brought for prosecution by focusing on the most appropriate charges, thus improving fairness as well as the perception of fairness. Increased knowledge of specific neighborhood concerns can improve community-prosecutor relations, with the hope of fostering an increased willingness by residents to participate in the prosecution of cases. Increased cooperation on the part of all participants can help the prosecutor more readily assess both problem properties and problem people engaged in criminal acts within specific neighborhoods, all with the ultimate goal of reducing the crime rate. Based on the best practices exhibited in communities dating back to the 1990s, if implemented with fidelity, community prosecution has

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<sup>2</sup> *Community Prosecution and Serious Crime*, Center for Court Innovation (January 2010, p.21), retrieved from [http://www.courtinnovation.org/sites/default/files/documents/CP\\_SC.pdf](http://www.courtinnovation.org/sites/default/files/documents/CP_SC.pdf).

demonstrated a positive influence on reducing rates of violent crime.<sup>3</sup>

### **Neighborhood Safety Initiative (NSI)**

Concurrently in these same geographic areas, the OSC-3 plan calls for the community prosecutor to join citizen groups already in place to discuss problem properties and problem people. Underlying the existence of these organizations is a recognition that citizens living within a community are best situated to observe problem properties and problem people and bring them to the attention of government. A 2008 meta-analysis of studies on the impact of neighborhood watch organizations found there was an overall reduction in crime in those areas.<sup>4</sup> The NSI initiative will create a team approach, with prosecutors participating in NSI neighborhood meetings, which will be sponsored by the MPD, further integrating their role in the community and providing needed support to help move problem properties and problem people through the system in an appropriate and timelier fashion. Teams will include citizens, code enforcement, and law enforcement. MPD will provide the structure, with neighborhood watch organizations and existing community groups referred to as police joint agencies (PJAs) at the center of this initiative.

The goals of both initiatives are to foster a lasting, sincere relationship between prosecutors and the community, help effectuate more rapid responses to real citizen complaints about problem properties and people who are engaged in

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3 See, Bureau of Justice Assistance Bulletin (November 2002), *retrieved from* <https://www.ncjrs.gov/pdffiles1/bja/192826.pdf>.

4 Holloway, Katy, Trevor Bennett, and David P. Farrington, Crime Prevention Research Review No. 3, *Does Neighborhood Watch Reduce Crime?* Washington, D.C.: U.S. Department of Justice Office of Community Oriented Policing Services (2008). The authors cautioned, however, that there was a wide variety of results depending on methodology of analysis, and not all neighborhood watch organizations were effective. The plan for implementation in Shelby County will take the divergent needs of communities into account to avoid this pitfall.

potentially illegal activity, and foster greater cooperation within the community when it comes to serving justice through prosecution of defendants. The successes of these programs will be measured using available data through MPD, the Crimestoppers organization, surveys conducted with neighborhood residents, and the neighborhood groups.

Although community prosecution itself is not new<sup>5</sup>, the planned connectivity of community prosecution with the NSI will bring prosecutors to the table with citizens, law enforcement, code enforcement, and others responsible for helping to improve the peace and wellbeing within those neighborhoods. Evaluation and study of this concept will add to the body of knowledge of “what is meant by a ‘partnership with the community’”<sup>6</sup> by the prosecutor’s office and the effectiveness of these partnerships. The project will be in effect from 2017-2021.

## **STUDY DESIGN—Angela**

### **TEAM**

The Shelby County District Attorney’s Office, led by District Attorney General (D.A.) Amy Weirich, has primary accountability for the community prosecution pilot. She became the D.A. in January of 2011, first as an appointee, then later as an elected state official. Gen. Weirich joined the D.A.’s Office in 1991 and was chief prosecutor of the Gang and Narcotics Prosecution Unit and Division Leader for the Special Prosecution Unit in Criminal Court. She helped create the Multi-Agency Gang

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<sup>5</sup> Only recently, however, have longitudinal studies started to emerge on the efficacy of the community prosecution model, which is endorsed by both the National District Attorneys Association and the Association of Prosecuting Attorneys.

<sup>6</sup> “Community Prosecution,” retrieved from <https://www.hks.harvard.edu/programs/criminaljustice/research-publications/gangs-guns-urban-violence/community-prosecution> (n.d.).

Unit, the first federal, state and local law enforcement organization designed to curb gang activity. As District Attorney, Gen. Weirich has embraced innovative ways to prevent crime, especially focusing on programs for youth.

The Memphis Shelby Crime Commission (MSCC) is a 501(c)(3) organization that spearheads the OSC-3 crime reduction and prevention plan. Established in 1997, MSCC brings together business, governmental, social service, law enforcement, and citizen groups towards collectively impacting the community's crime problem. MSCC has helped implement various innovative interventions including the drug court, the domestic violence court, the Family Safety Center (a hub for victims of domestic violence), the Memphis Shelby County Office of Reentry (a hub for those formerly incarcerated to help with a variety of reentry needs), data-driven use of police resources, and others. MSCC will assist these efforts through provision of crime data garnered on a monthly basis, serve as convener and coordinator among agencies as needed, and assist with maintaining fidelity to implementation of the initiatives. Bill Gibbons serves as President of MSCC and also Director of the Public Safety Institute (PSI) at the University of Memphis, which is the identified research partner providing academic evaluation of all aspects of the OSC-3 plan. Mr. Gibbons previously served as Commissioner of Safety and Homeland Security for the State of Tennessee. Prior to that appointment, he was Shelby County District Attorney for approximately 14 years where he created several special prosecution units to focus on gang violence, drug trafficking, domestic violence and child abuse. Appropriate firewall protocols will be adhered to in order to preserve the integrity of objective evaluation processes by PSI researchers, but MSCC and other team members will be able to assist PSI and companion researchers in accessing the data.

Dr. Angela Madden, Associate Professor and Director, Mid-South Research Center in the Department of Criminology at University of Memphis, will lead research and evaluation efforts. Dr. Madden serves as the Research Associate Professor for the PSI.

The Memphis Police Department provides crime data and also coordinates neighborhood watch and PJA organizations. Director Michael Rallings, appointed to the post on an interim basis in February 2016 and permanent basis in August 2016, is in full support of these initiatives, having already agreed to host the prosecution team at the police precinct(s), continue to measure and report crime data, and cooperate in moving forward on growing and enhancing the various neighborhood organizations, including helping to provide methods for data-gathering and retention.

Crimestoppers, Inc. collects information about crimes through anonymous citizen tips, tracks data relating to community calls, categorizes them as relevant or not, and provides financial awards for tips that lead to arrests in felony cases. It has agreed to provide this data for these initiatives. Crimestoppers is led by Executive Director Buddy Chapman, former Director of MPD. Mr. Chapman was the force behind Trust Pays, the project that took CrimeStoppers' proven formula into the schools.

Executed letters of agreement from these partners accompany this letter of interest.

**STRATEGY FOR FOLLOW UP RCT—Angela**